

REQUEST FOR
RECONSIDERATIONSerial No. 09/973,862
Atty. Docket No. GP095-06.DV4Remarks

Claims 23-56 are presently pending in the subject application. Reconsideration and allowance are respectfully requested in view of the following remarks.

Interview Summary

Applicants wish to thank the Examiner for the many courtesies extended to the undersigned representative during a telephonic interview on January 10, 2006. The issues addressed in the interview included the definiteness of the phrase "transport mechanism" in the claims, as discussed below, and the relevance of U.S. Patent No. 5,746,978 (Bienhaus *et al.*), a reference newly identified by the Examiner. (As this reference was identified by the Examiner, Applicants respectfully request that the Bienhaus patent be identified in a form PTO-892 in the Examiner's next communication with Applicants.) Applicants' representative pointed out that the Bienhaus patent discloses a stationary conduit for transferring a *reaction solution* between stations of a system and not a device which transports a *receptacle* containing reaction material between stations of a system, as presently claimed. *See, e.g.*, Bienhaus at column 5, lines 10-13, and column 6, lines 31-35. Accordingly, Applicants submit that the presently pending claims are patentable in view of Bienhaus.

Rejection Under 35 U.S.C. § 112

Claims 23, 24, 26-30, 32-40 and 42-56 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants' representative noted that the phrase "transport mechanism" should be read in connection with Applicants' disclosure of representative "transport mechanism" devices in the specification, thereby clearly evidencing that this phrase is intended to refer to a device rather than a process. For this reason, and the reasons set forth in Applicants' Reply dated October 5, 2005, Applicants submit that the claims are definite. Accordingly, withdrawal of this rejection is respectfully requested.

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Conclusion

Applicants submit that the subject application is in condition for allowance, and early notice to that effect is earnestly solicited.

No fee is believed due in connection with this Request. If Applicants are mistaken, please charge any amounts due to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

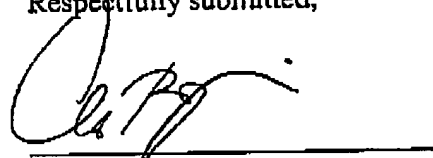
Certificate of Transmission

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 571-273-8300 on the date indicated below to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Date: January 12, 2006

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